

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MICHAEL W. ERVIN,

Plaintiff,

vs.

No. CV 21-00949 JB/JHR

UNITED STATES, and
INTERNAL REVENUE SERVICE,


Defendants.

ORDER TO CURE DEFICIENCY

Plaintiff has submitted a civil rights complaint. The Court determines that Plaintiff's submission is deficient because Plaintiff has not paid the \$402.00 filing fee or filed an Application to Proceed in District Court Without Prepaying Fees or Costs in proper form. Plaintiff has submitted an Affidavit of Indigency (Doc. 2) that does not comply with the requirements under 28 U.S.C. § 1915 for proceeding *in forma pauperis* in federal court. Although titled "Affidavit", Doc. 2 is not sworn or made under penalty of perjury and does not include the financial information required by §§ 1915(a). Plaintiff must cure this deficiency within thirty (30) days from entry of this Order by ***either*** paying the full \$402.00 civil filing fee ***or*** submitting a proper Application to Proceed in District Court Without Prepaying Fees or Costs. Plaintiff has already submitted, and need not resubmit, a copy of Plaintiff's inmate account statement for the 6-month period immediately preceding this filing. (Doc. 3). *See* 28 U.S.C. § 1915(a)(2). Failure to cure the designated deficiency within thirty (30) days from entry of this Order may result in dismissal of this action without further notice.

IT IS ORDERED that within thirty (30) days of entry of this Order, Plaintiff ***either*** pay the full \$402.00 civil filing fee ***or*** submit a proper Application to Proceed in District Court Without

Prepaying Fees or Costs that includes the affidavit and information required under § 1915(a); and the Clerk is directed to mail to Plaintiff a copy of this order and 2 copies of an Application to Proceed in District Court Without Prepaying Fees or Costs with instructions.

A handwritten signature in blue ink, appearing to read "JAS", is written above a horizontal line.

UNITED STATES MAGISTRATE JUDGE